

Date signed August 17, 2006



A handwritten signature in cursive script that reads "Paul Mannes".

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In Re:

Drew W. Pelton

Debtor

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Case No. 05-30372

Chapter 7

MEMORANDUM OF DECISION

This case comes before the court on the motion of the Debtor to reconvert this case from a case under chapter 7 to a case under chapter 13. The motion is opposed by the United States Trustee. While the issue of the discretionary power of the court to order reconversion to a case under chapter 13 is not without dispute, it is hornbook law that the reconversion may not be accomplished automatically. In the totality of the circumstances presented in this case, the court will enter an order allowing reconversion.

In so doing, the court notes that nothing prevents the Debtor from dismissing the case and re-filing under chapter 13. The chapter 13 Plan described by counsel of payments over \$1300 a month can provide a meaningful return to unsecured creditors as opposed to what appears to be a no asset case under chapter 7. In so ruling, the courts notes that the debtor has been less than candid in his schedules, and the trustee will keep a careful eye on the debtor who, given the extraordinary relief of re-

conversion, is expected to proceed in this case under a punctilious standard of conduct.

The chapter 13 trustee shall schedule a meeting of creditors pursuant to 11 U.S.C. § 341(a), as well as a hearing on confirmation of Debtor's Plan.

An appropriate order will be entered.

cc: Drew W. Pelton, 5450 Whitley Park Terrace, #607, Bethesda, MD 20814
Lawrence F. Regan, Jr., Esq., Garza, Regan & Assocs., 17 W. Jefferson St., Rockville, MD 20850
Chapter 7 Trustee
Chapter 13 Trustee

End of Order